

**MINUTES
BARBERING AND COSMETOLOGY EXAMINING BOARD
MEETING HELD ON
MONDAY, MARCH 3, 2003**

PRESENT: Barbara Flaherty, Laura Jenkins, Karen Kraus, Leon Lauer;
Marville Martin, Lee Martinez ;and Denise Svetly

EXCUSED: Bruce Bennett

STAFF PRESENT: Mary Forseth, Bureau Director; Wayne Austin, Legal Counsel;
Gina York, Program Assistant; and other Division of Enforcement
Staff for portions of the meeting

GUESTS: Avita Regan, Esthetician/Microdermabrasion; Joan Karnitz,
WCTC/NCAW; Kathy Schauer, WCTC; and Hafeezah Ashmad,
DWD/BAS

CALL TO ORDER

Barbara Flaherty, Chair called the meeting to order at 9:38 a.m. A quorum of seven members was present. All members who were unable to attend were excused due to inclement weather.

ADOPTION OF AGENDA

Additions to the Agenda:

- Add to Item 6(b): American Electrology Association Letter
- Add to Item 6(c): Derma Master 8000 Additional Information
- Add to Item 6(d): Letter from American International regarding Easy Wax Roll On
- Add to Item 6(e): Letter from George Yau, President Of Garfield International
- Add to Item 6(f): Letter from Luxury Nails
- Add to Item 6(g): Secretary Strong-Hill regarding Services for Ethnic Hair
- Add to Item 15(c): Stipulations for Candy Munro, Michael Phung; Vinh Tran,
Latasha Robinson, Patti Wellner, and Lam Q. Lee
- Add to Item 15(d): Case Closings 03BAC004, 02BAC066, and 02BAC060

MOTION: Leon Lauer moved, seconded by Lee Martinez, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (12/2/2002)

MOTION: Leon Lauer moved, seconded by Laura Jenkins, to approve the minutes of 12/2/2002, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

BOARD ROSTER

The Board Roster was reviewed by the Board. One revision to change the Division Administrator name to Patricia Hoeft.

2003 MEETING DATES

The 2003 meeting dates for the Board were reviewed and approved by the Board.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

This report is for informational purposes only.

ELECTION OF OFFICERS

The Barber and Cosmetology Examining Board held open elections for Board Officers.

MOTION: Barbara Flaherty moved, seconded by Lee Martinez, to nominate Leon Lauer as Board Chair. Motion carried unanimously.

MOTION: Denise Svetly moved, seconded by Karen Kraus, to nominate Barbara Flaherty as Board Vice Chair. Motion carried unanimously.

MOTION: Laura Jenkins moved, seconded by Leon Lauer, to nominate Karen Kraus as Board Secretary. Motion carried unanimously.

The election results are as follows:

ELECTION RESULTS	
Board Chair	Leon Lauer
Board Vice Chair	Barbara Flaherty
Board Secretary	Karen Kraus

ADMINISTRATIVE RULES

FINAL ADOPTION OF CLEARINGHOUSE 02-058

MOTION: Leon Lauer moved, seconded by Denise Svetly, to adopt the Clearinghouse Rule 02-058 as written. Motion carried unanimously.

Pamela Haack reported to Mary Forseth that the new Administrative Rule will be published on May 1, 2003.

MANAGERS PRESENCE ONSITE

The Board will review the scope statement to amend the administrative rules relating to the manager's presence onsite at the next meeting.

PRACTICE ISSUES

REPORT FROM THE CONTINUING EDUCATION COMMITTEE

Barbara Flaherty provided a summarized report to the Board. The Committee reviewed the list of continuing education implementation issues and began identifying CE criteria. The Committee will review the prioritized list of continuing education categories at their next meeting and will make any necessary adjustments. A tracking method will be developed in order to monitor continuing education development and progress.

REVIEW OUTSTANDING SCOPE OF PRACTICE ISSUES

The Board reviewed the Scope of Practice List. A method to track the progress and the development phase for each of these areas will be designed and reviewed at the next Board meeting. This document will be updated on an ongoing basis.

PHOTO-REJUVENATION SERVICES AND DERMA MASTER 8000

The Board discussed and reviewed information provided regarding the use of photo-rejuvenation services and the Derma Master 8000. The Board decided that this requirement does not require a licensure or regulation by the Department of Regulation and Licensing.

Mary Forseth will respond to correspondence regarding this device.

CLEAN AND EASY WAXING SPA ROLL-ON APPLICATION SYSTEM

The Board would like to obtain a copy of the lab results for review and requested that this topic be postponed to the next Board meeting. Mary Forseth will contact the company to obtain lab results.

THE ULTRA VIOLET S-20 STERILIZER

The Board determined this equipment is not an acceptable method of sterilization and is not recommended by the Board. Alfred Hall will write a letter to Mr. George Yau, President of Garfield International regarding this decision.

CORRESPONDENCE FROM LUXURY NAILS

Noted. No action was needed by the Board.

EXAMINATIONS

EXAM COMMITTEE REVIEW AND FOLLOW UP

An update regarding examinations was provided by Darwin Tichenor to the Board. Information regarding the instructors' examination which is being revised to a checklist format was shared as well as the examination committee's recommendations. Ron Rogers of CTS is involved with revising the practitioners' examination. Mr. Tichenor will keep the Board informed on the progress of these examinations.

PRELIMINARY RECOMMENDATIONS REGARDING INSTRUCTOR EXAMINATIONS

The Examination Committee provided some recommendations regarding the instructor's examinations. The Board did not recommend approval of the preliminary recommendations as presented and the Committee will return to the Board after further exploration.

USE OF BC STUDENTS AS MODELS FOR EXAMINATIONS

The Board discussed this topic and took the following action.

MOTION: Leon Lauer moved, seconded by Lee Martinez, to allow BC students to be models for practical examinations, but the individual can not be a licensee. Motion carried unanimously.

LEGISLATION

Wayne Austin, Legal Counsel provided a handout to the Board with a list of proposed language that could be used in the scope of practice issues. Here are the specifics and decisions made on the listed items:

1. Electrology: Any change in the definition of electrology would require a rule change.
2. Required posting for medical procedures: Section BC 2.025(6), Code.

MOTION: Leon Lauer moved, seconded by Marville Martin, to move this language forward with the additional wording of “in a BC or Aesthetician establishment” to be included. Motion carried unanimously.

3. BC 4.08 Waxing: Discussion regarding definition of hair removal occurred and if the Board wants to extend the practice to other licensees, a statute change would be necessary.

MOTION: Leon Lauer moved, seconded by Lee Martinez, to create language regarding waxing for other licensees. Motion carried unanimously.

4. Cosmetic Facial Peels: Section BC 2.025 of the new rules could be amended to differentiate between cosmetic peels and those which must be performed under medical supervisions.
5. Microdermabrasion: Wayne has been unable to find anything that defines at what point microdermabrasion becomes a medical procedure.
6. Manicuring Scope of Practice: Wayne provided a memo from the Board of Nursing regarding their position on RN’s doing basic foot care. The Board agrees as long as it basic non-invasive foot care.

Also from the Scope of Practice list Manicuring Practice clarification as to the definition of nail enhancement and what procedures or items would qualify as enhancements. Barbara Flaherty will contact individuals in the field (such as Jan Studevant) for input.

MOTION: Leon Lauer moved, seconded by Denise Svetly, to get information to Wayne Austin to develop manicuring language regarding items identified as nail enhancements. Motion carried unanimously.

7. Discussion regarding smoking by customers and/or practitioners: The Board has resolved this issue. No action needed.
8. Discussion regarding allowing practitioners to provide training and supervising apprentices: The Board decided no action is needed.

DISCUSSION REGARDING SECTION 454.06 (1)(b) STATS. FELONY CONVICTIONS

The Board discussed and made suggestions to Wayne Austin, Legal Counsel for revisions to Statute 454.06 (1)(b).

MOTION: Leon Lauer moved, seconded by Denise Svetly, to have legal counsel change to standard language used for most other professions. Laura Jenkins opposed. Motion carried.

BOARD MEMBER ACTIVITY

Informational.

DIVISION OF ENFORCEMENT

None.

LEGAL COUNSEL REVIEW

None.

NEW BUSINESS

None.

PRESENTATION OF PROPOSED STIPULATIONS BY PROSECUTORS OR ANY THAT MAY BE SUBMITTED AFTER PRINTING OF AGENDA

Proposed stipulations were discussed in closed session.

CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Denise Svetly, to convene to closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) The motion was approved by a roll call vote: Lee Martinez-yes; Leon Lauer-yes; Barbara Flaherty-yes; Laura Jenkins-yes; Karen Kraus-yes; Marville Martin-yes and Denise Svetly-yes. Motion carried unanimously.

Open Session adjourned at 2:18 p.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE TO OPEN SESSION

MOTION: Leon Lauer moved, seconded by Lee Martinez, to reconvene into open session at 2:36 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Marville Martin, to accept all decisions and motions made in closed session. Motion carried unanimously.

MONITORING REPORT

There was nothing before the Board at this time.

STIPULATIONS

WENDY TOWNS

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Wendy Towns. Motion carried unanimously.

SHC, INC. (d/b/a GREAT CLIPS)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning SHC, Inc. (d/b/a Great Clips). Motion carried unanimously.

MARY M. OLSON

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Mary M. Olson. Motion carried unanimously.

MARGARET ANN LEON

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Margaret Ann Leon. Motion carried unanimously.

XUAN V. NGO

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Xuan V. Ngo. Motion carried unanimously.

REGIS CORP/SMART STYLE

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Regis Corp/Smart Style. Motion carried unanimously.

BIEN THANH NGO

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Bien Thanh Ngo. Motion carried unanimously.

TODDY ANN SETNICK (NAILS UNIQUE)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Toddy Ann Setnick (Nails Unique). Motion carried unanimously.

CHRISTINA SINKEY (CHRISTINA'S CREATIONS)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Christina Sinkey (Christina's Creations). Motion carried unanimously.

CANDY MUNRO

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Candy Munro. Motion carried unanimously.

MICHAEL PHUNG

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Michael Phung. Motion carried unanimously.

VINH TRAN

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Vinh Tran. Motion carried unanimously.

LATASHA ROBINSON

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Latasha Robinson. Motion carried unanimously.

PATTI WELLNER

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Patti Wellner. Motion carried unanimously.

LAM Q. LEE

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Lam Q. Lee. Motion carried unanimously.

CASE CLOSINGS AND CASE STATUS REPORT

- MOTION:** To close Cases **02 BAC 071, 02 BAC 117, 02 BAC 118, 02 BAC 125**, with a HOLD placed on the credential. There may have been a violation but the person or entity can not be located.
- MOTION:** To close Case **02 BAC 113** for insufficient evidence.
- MOTION:** To close Case **02 BAC 087** for insufficient evidence.
- MOTION:** To close Case **00 BAC 101** Mr. Dino Hairstylists #8019246/Dino Caldis (Owner) was Closed for prosecutorial discretion (P5); Mr. Dino's Hairstylists #8023260/Renee Domaszek #8124170(Owner/Manager) was Closed for prosecutorial discretion (P2); and John Panagopoulos #8121337 (Manager) Closed for prosecutorial discretion (P2).
- MOTION:** To close Case **02 BAC 043** for compliance gained.
- MOTION:** To close Case **02 BAC 057** for no violation.
- MOTION:** To close Case **02 BAC 061** for no violation.
- MOTION:** To close Case **02 BAC 066** for no violation.
- MOTION:** To close Case **00 BAC 085** for there may have been a violation but expenditure of resources required to pursue would greatly exceed the value to the public.
- MOTION:** To close Case **02 BAC 092** for no violation.
- MOTION:** To close Case **02 BAC 093** for insufficient evidence.
- MOTION:** To close Case **02 BAC 110** for no violation.
- MOTION:** To close Case **01 BAC 091** for prosecutorial discretion (P5) and flag the credential.
- MOTION:** To close Case **01 BAC 093** for prosecutorial discretion (P5) and flag the credential.
- MOTION:** To close Case **03 BAC 004** for no violation.
- MOTION:** To close Case **02 BAC 066** for no violation.
- MOTION:** To close Case **02 BAC 060** for insufficient evidence.

MOTION: To close Case **02 BAC 013 (JS)** for compliance gained.

MOTION: To close Case **01 BAC 089 (License # 1737)** for no longer in business.

MOTION: To close Case **02 BAC 020 (MD)** for insufficient evidence.

MOTION: To close Case **02 BAC 090** for administrative closure.

NEXT MEETING AGENDA ITEMS

- Continuing Education Follow Up and Tracking
- Regulatory Digest – Article for new Clearinghouse Rule 02-058
- Examination Committee Update
- Scope Statements & Legislative Update

ADJOURNMENT

MOTION: Leon Lauer moved, seconded by Marville Martin, to adjourn the meeting at 2:53 p.m. Motion carried unanimously.

Next Meeting : April 7, 2003